

REMARKS

The Office Action dated January 19, 2006 was a restriction requirement, requiring that applicant elects to prosecute one of the following two inventions:

Invention I, recited in claims 1, 18, and 22, drawn to a transmitter comprising a mixer; and

Invention II, recited in claims 1-17, drawn to a mixer arrangement having two mixers.

As a preliminary matter, applicant notes that the subject application contains 28 claims. These 28 claims were discussed in a telephone conference with Examiner Lana Le on December 7, 2005. However, during this telephone conference the two inventions were indicated as Invention I being only claims 18 and 22, and Invention II containing claims 1-17, 19-21, and 23-28. In view of the inconsistencies between the written action and the present application, applicant assumes that the telephonic identification of the invention was proper.

Based upon the telephonic indication of the claims, applicant provisionally elects to prosecute Invention II, being recited in claims 1-17, 19-21 and 22-28.

However, applicant respectfully traverses this restriction requirement, and respectfully

submits that all of claims 1-28 are directed to a single invention, and are entitled to be examined in this patent application. All of claims 1-26 are directed to a mixer arrangement having a series of elements. All of claims 2-26 are dependent upon claim 1, and claim 1 recites a first mixer and a second mixer, with at least one output of the first mixer and at least one output of the second mixer being combined to cancel unwanted components from the input frequency. Claim 18 is dependent upon claim 1, and merely recites that the first mixer is configured to upconvert the frequency of the at least one signal received at the at least one signal input. Applicant respectfully submits that this additional element is not sufficient to render the subject matter of claim 18 to be a separate invention. Claim 22 is dependent upon claim 18, and merely recites that the at least one signal is upconverted to a radio signal. Applicant respectfully submits that the additional limitations of these claims are not sufficient to require restriction. Though the Office Action seems to indicate that the subcombination has a separate utility regarding cancellation of unwanted components, the cancellation of unwanted components is an aspect of the independent claims from which claims 2-26 depend.


Additionally, in view of the fact that claim 1 is indicated in the Office Action as being in each of Invention I and Invention II, and there is no mention of any of claims 23-28, applicant respectfully requests that if all of claims 1-28 are not examined, that a new Office Action be issued which properly sets out the restriction in a manner which is consistent with

the claims as submitted in the application, and wherein a clear delineation is provided between the two inventions.

Timely consideration of claims 1-28 is respectfully requested.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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